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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,470	11/21/2003	Qinghua Li	42P17467	2598

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EXAMINER

WILLIAMS JR, RONALD E

ART UNIT PAPER NUMBER

2121

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,470

Applicant(s)

LI ET AL.

Examiner

Ronald E. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to amended application filed on June 9, 2006.
2. Claims 1-19 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Boros et al.

(USPN: 6,615,024) hereinafter referred to as Boros.

Regarding Claim 1, Boros discloses:

An apparatus, comprising:

A first electronic device (see **Figure 1, element 101-Base Station**) adapted to perform a training phase (see **col. 13, lines 4-10**) with multiple second electronic devices (**Figure 1, element 105-Antenna array**) to calculate parameters to enable substantially simultaneous spatial division multiple access transmissions to multiple ones of the multiple second electronic devices; (see **col. 1, lines 54-62**)

11, lines 55-59

1, lines 54-62

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a data phase by using the parameters to perform the spatial division access transmissions; (see col. 2, lines 26-29)

Regarding Claim 3, Boros discloses:

The apparatus of claim 1, wherein the first electronic device is further adapted to perform the data phase by:

transmitting substantially simultaneous data polls to the multiple ones of the multiple second electronic devices through multiple antennas; (see **Figure 10**) and receiving substantially simultaneous data responses from the multiple ones of the multiple second electronic devices through multiple antennas. (see **Figure 9**)

Regarding Claim 4, Boros discloses:

The apparatus of claim 1, wherein the first electronic device is further adapted to perform the training phase by:

transmitting training polls to the multiple second electronic devices; (see **Figure 10**) receiving training responses from the multiple second electronic devices through multiple antennas; (see **Figure 9**)

processing the training responses received through the multiple antennas; (see col. 13, lines 34-38) and calculating the parameters based on the processed training responses. (see col. 13, lines 34-38)

Regarding Claim 5, Boros discloses:

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The apparatus of claim 1, wherein the parameters comprise beam forming parameters. (see col 12, lines 63 to col 13 line 3 and col 13, lines 30-34)

Regarding Claim 6, Boros discloses:

The apparatus of claim 1, wherein the parameters are further to enable substantially simultaneous spatial division multiple access receptions from the multiple ones of the multiple second electronic devices. (see col. ^{11, lines 55-59} ~~1, lines 54-62~~)

Regarding Claim 7, Boros discloses:

The apparatus of claim 1, wherein the first electronic device further comprises at least four antennas to communicate with the multiple second electronic devices during the training phase and the data phase. (see col. 13, lines 50-52)

Regarding Claim 8, Boros discloses:

The apparatus of claim 7, wherein the first electronic device further comprises a computing platform coupled to the at least four antennas. (see Figure 1, element 117-Transmit Weight Generator and col. 13, lines 37-38)

Regarding Claim 9, Boros discloses:

The apparatus of claim 8, wherein the first electronic device further comprises at least four modulator/demodulators with at least one modulator/demodulator coupled between each of the at least four antennas and the computing platform. (see col. 3, lines 37-45. "and analog-to-digital

converter (“ADC”) if processing is digital.” The analog-to-digital converter disclosed by Boros et al. is the modulator/demodulator claimed by the applicant.)

Regarding Claim 10, Boros discloses:

The apparatus of claim 9, wherein the first electronic device further comprises multiple analog-to-digital converters and multiple digital-to-analog converters with at least one analog-to-digital converter and at least one digital-to-analog converter coupled between each modulator/demodulator and the computing platform. (see col. 3, lines 37-45)

Regarding Claim 11, Boros discloses:

A method, comprising:

transmitting a training poll to a first mobile device; (see Figure 10)

receiving a training response from the first mobile device; (see Figure 9)

transmitting a training poll to a second mobile device; (see Figure 10)

receiving a training response from the second mobile device; (see Figure 9)

calculating parameters based on the received training response from the first mobile device and the received training response from the second mobile device; (see col. 13, lines 34-38) and using the parameters to enable spatial division multiple access transmissions to the first and second mobile devices. (see col. 2, lines 26-29)

Regarding Claim 12, Boros discloses:

The method of claim 11, wherein said using comprises:

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transmitting a first data poll to the first mobile device and a second data poll to the second mobile device substantially simultaneously using spatial division multiple access techniques; (see Figure 10) and

receiving a response to the first data poll from the first mobile device and a response to the second data poll from the second mobile device substantially simultaneously. (see Figure 9)

Regarding Claim 14, Boros discloses:

The method of claim 13, wherein said calculating the parameters comprises calculating beam forming parameters. (see col. 12, lines 63 to col. 13, line 3 and col. 13, lines 30-34)

Regarding Claim 15, Boros discloses:

The method of claim 13, wherein the parameters are further used to enable spatial division multiple access receptions from the first and second mobile devices. (see col. 1, lines 55-59, lines 54-62)

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Regarding Claim 16, Boros discloses:

A machine-readable medium that provides instructions, which when executed by a processing platform, cause said processing platform to perform operations comprising: transmitting a training poll to a first device; (see Figure 10)

receiving a training response from the first device; (see Figure 9)

transmitting a training poll to a second device; (see Figure 10)

receiving a training response from the second device; (see Figure 9)

calculating parameters based on the received training response from the first device and the received training response from the second device; **(see col. 13, lines 34-38)**
and using the parameters to enable substantially simultaneous transmissions to the first and second devices using spatial division multiple access techniques. **(see col. 2, lines 26-29)**

Regarding Claim 17, Boros discloses:

The medium of claim 16, wherein said operations further comprise:

using the parameters to enable transmitting a data poll to the first device and a data poll to the second device substantially simultaneously using the spatial division multiple access techniques;
(see Figure 10 and col. 2, lines 26-29)

and using the parameters to enable receiving a data response from the first device and a data response from the second device substantially simultaneously using the spatial division multiple access techniques. **(see Figure 9 and col. 2, lines 26-29)**

Regarding Claim 19, Boros discloses:

The medium of claim 16, further comprising using the parameters to enable substantially simultaneous receptions from the first and second devices using the spatial division multiple access techniques. **(see col. 1, lines 54-62)** .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boros et al. in view of Ren Tianmin (**IEEE: Efficient Media Access Protocols for Wireless LANs with Smart Antennas, 2003**) hereinafter referred to as Tianmin.

Boros fails to disclose an apparatus wherein the first electronic device is further adapted to perform an acknowledgement phase by using the parameters to perform substantially simultaneous spatial division multiple access transmissions of acknowledgements to the multiple ones of the second electronic devices subsequent to the data phase.

Tianmin discloses a wireless network that utilizes smart antennas and the SDMA protocol. In addition Tianmin teaches an apparatus wherein the first electronic device is further adapted to perform an acknowledgement phase by using the parameters to perform substantially simultaneous spatial division multiple access transmissions of acknowledgements to the multiple ones of the second electronic devices subsequent to the data phase. (see pg 1288, **B. Contention-based polling with directed transmissions, col. 1, lines 9-18 to col. 2, lines 1-21**)

It would be obvious to one of ordinary skill in the arts at the time of invention to modify the invention taught by Boros to include the acknowledgement phase taught by Tianmin providing better quality of service within the communication system.

Response to Arguments

The Examiner notes that the Applicant has defined what the statement “are further to enable” means. The Examiner understands that “are further to enable” means that not only are the parameter able to enable substantially simultaneous spatial division multiple access transmissions but also the parameter can enable substantially simultaneous spatial division multiple access receptions. The Examiner states that the claim objection to claim 6 has been withdrawn.

Applicant acknowledges that Boros teaches SDMA, however Boros teaches deriving radio parameters for the general cases as opposed to deriving radio parameters for SDMA in particular. Examiner disagrees and states that Boros teaches Antenna Arrays which could be used in any wireless communication system to allow SDMA capability. In addition Boros refers to United States Patent: 5,518,378 which discloses a Spatial Division Multiple Access Wireless Communication System that teaches deriving radio parameters for SDMA, thusly claims 2, 3, and 18 stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald E. Williams whose telephone number is 571 272 2590. The examiner can normally be reached on MWF 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571 272 3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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